

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMANUEL RODRIGUEZ ANDRADE,
Plaintiff,
v.
C.D.C.R.,
Defendant.

Case No. [24-cv-07434-HSG](#)

**ORDER *SUA SPONTE* GRANTING
PLAINTIFF AN EXTENSION OF TIME
TO FILE IN FORMA PAUPERIS
APPLICATION OR PAY FILING FEE;
DIRECTIONS TO CLERK**

Plaintiff commenced this action on or about October 24, 2024, when he filed with the Court a pleading titled “Truth Affidavit.” Dkt. No. 1. That same day, the Court sent him deficiency notices, informing him that the action could not proceed without Plaintiff (1) filing a complaint on the proper form, and (2) either filing an *in forma pauperis* application or paying the filing fee. Dkt. Nos. 2, 3. The Court instructed Plaintiff to correct these deficiencies by November 21, 2024, or this action would be dismissed. *Id.* Plaintiff has corrected one of these deficiencies as he has filed a complaint on the proper form. Dkt. No. 7. However, Plaintiff has neither filed an *in forma pauperis* application nor paid the filing fee. Plaintiff argues that the United States is required to issue him a blank check to satisfy his filing fee obligation, per House Joint Resolution 192, H.N.R 192-1933, President Roosevelt, and the Uniform Commercial Code §§ 1-104, 3-419. Plaintiff is incorrect. Courts have repeatedly rejected the theory that the United States government owes money to its citizens, and that the House Joint Resolution 192 of June 5, 1933, whereby the United States decided to suspend the gold standard, and the Uniform Commercial Code operate jointly to allow United States citizens to use the debt owed them to discharge debts owed to third parties. *See, e.g., Morales v. Winn*, No. CIV 13-430-TUC-LAB, 2014 WL 1429960, at *4 (D. Ariz. Apr. 14, 2014) (rejecting as frivolous prisoner’s argument that


government is holding profits in individual, secret trust accounts, one for each citizen, and that House Joint Resolution 192 and the UCC allows citizens to recover monies in those accounts); *Matchynski v. Ocwen Loan Servicing*, No. 13-CV-1915-BEN WMC, 2014 WL 202625, at *4 (S.D. Cal. Jan. 16, 2014) (rejecting theory that private individual's issuance of documents claiming obligation of United States to pay the face value constitutes tender) (collecting California state and federal cases).

In order to proceed with this action, Plaintiff must either pay the filing fee or be granted leave to proceed *in forma pauperis*. 28 U.S.C. § 1914 (requiring clerk of each district court to collect \$350 filing fee from parties instituting any civil proceeding, and authorizing the collection of additional fees authorized by Judicial Conference); 28 U.S.C. § 1915 (allowing commencement of action *in forma pauperis*, i.e. without prepayment of fees, in certain circumstances). The Court *sua sponte* GRANTS Plaintiff an extension to **January 6, 2025** to either pay the filing fee or file a complete application to proceed *in forma pauperis*. The Clerk is directed to send Plaintiff a copy of the Court's *in forma pauperis* application form.

Failure to comply with the deadline set forth in this order will result in the dismissal of this action for failure to follow a court without further notice to Plaintiff.

IT IS SO ORDERED.

Dated: 12/9/2024


HAYWOOD S. GILLIAM, JR.
United States District Judge